



DEPARTMENT OF THE NAVY
HUMAN RESOURCES SERVICE CENTER, SOUTHWEST
525 B STREET SUITE 600
SAN DIEGO, CA 92101-4418

IN REPLY REFER TO:
12792
15 SEP 2000

From: Director, Human Resources Service Center, Southwest
To: All Civilian Employees

Subj: NOTICE REGARDING APPLICATION FOR SAFE HARBOR UNDER THE
DEPARTMENT OF THE NAVY DRUG-FREE WORKPLACE PROGRAM

Ref: (a) SECNAV OCPMINST 12792.3A CPI 792-3A-D of 6 Aug 88

1. Reference (a), a copy of which has been provided to all Navy employees, describes the operation of the Navy's Drug-Free Workplace Program (DFWP). Paragraph 8 of that letter describes the operation of a feature known as "Safe Harbor", under which an employee may voluntarily identify himself or herself as a user of illegal drugs, prior to being so identified by other means, and seek counseling or rehabilitation assistance without being subject to disciplinary actions for prior drug use.

2. An employee who request safe harbor under the provisions of this program must be aware that he or she may be relieved from performing sensitive duties. Further, the security officer will be advised of the safe harbor request and this information may then be used to determine whether the employee will retain his or her security clearance and removal from the service for failure to meet a condition of employment, i.e., maintaining a security clearance.

3. This does not effect the ongoing operation of the Civilian Employee Assistance Program (CEAP), under which employees may seek rehabilitation assistance for drug and other substance abuse problems and be assured that such information will not be released to activity management officials.

ROBERTA B. ALLEN

DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20350

OCPMINST 12792.3A
10 SEP 1993
CPI 792-3A-D

**GENERAL NOTICE OF IMPLEMENTATION OF DRUG TESTING UNDER DEPARTMENT
OF THE NAVY DRUG-FREE WORKPLACE PROGRAM**

TO DEPARTMENT OF THE NAVY CIVILIAN APPROPRIATED FUND EMPLOYEES:

1. On 15 September 1986, President Reagan signed Executive order 12564, establishing the goal of a Drug-Free Federal Workplace. The Executive Order made it a condition of employment for all Federal employees to refrain from using illegal drugs on or off duty. The Department of the Navy Drug-Free Workplace Program, developed to implement the Order, is designed to accomplish these goals through deterrence, identification, rehabilitation, and personnel action. While the Department of the Navy (DON) will assist employees with drug problems, it must be recognized that the employees who use illegal drugs are primarily responsible for changing their own behavior and actions.

2. Illegal drug use by any civilian employee of the DON is incompatible with the maintenance of high standards of conduct and performance. Moreover, illegal drug use could adversely affect personnel safety, risk damage to government and personal property, and significantly impair day-to-day operations. The DON program is aimed at identifying illegal drug users in order to maintain a safe, secure workplace and efficient DON operation.

3. The determination that an employee uses illegal drugs may be made on the basis of direct observation, a criminal conviction, the employee's own admission, other appropriate administrative determination or by a confirmed positive urinalysis. The program subjects all civilian appropriated fund employees to drug testing (urinalysis) under the following conditions:

- a. When there is a reasonable suspicion that the employee uses illegal drugs.
- b. As part of an authorized examination regarding an accident or unsafe practice.
- c. As a part of or as a follow-up to counseling or rehabilitation for illegal drug use.

4. In addition, certain employees occupying specifically designated sensitive positions within DON, will be subject to random drug testing. These are called Testing Designated Positions.

- a. Employees in this category will receive individual written

notices that their positions have been included in the activity random testing pool at least 30 days prior to actual testing.

b. Employees selected for or otherwise placed in a designated sensitive position, will be subject to a drug test prior to final selection/placement and to random testing thereafter.

c. Any employee can volunteer for random testing and will be included in the activity random testing pool.

5. All employees subject to testing shall be allowed to provide urine specimens in private except when there is reason to believe the specimen will be altered. Employees will be given the opportunity to declare the legitimate use of over-the-counter or prescription drugs prior to taking a test. The DON has developed strict chain-of-custody procedures to ensure proper identification of the specimen tested.

6. All urine specimens will be tested in DON laboratories or approved contract laboratories in accordance with mandatory guidelines published by the Department of Health and Human Services on 11 April 1988 in the Federal Register. A two step procedure has been established for testing urine specimens. The first test procedure used is called a radioimmunoassay (RIA) test and is used as an initial screening test. If the results of that procedure are positive, a second, confirmatory procedure is used, called a gas chromatography-mass spectrometry (GC/MS). The screening levels of these tests are sufficiently high to eliminate extraneous reasons for a positive test and with confirmation by the second, but different test method, the chemical test results are highly reliable and accurate. A Medical Review Officer (MRO) will review all positive test results. Employees will be given an opportunity to provide evidence to an MRO for verification of the legitimate use of over-the-counter or prescription drugs authorized by a physician or medical officer.

7. Drug test results will be handled in a confidential manner. Positive test results from the laboratory will only be disclosed to a Medical Review Officer. Positive results, verified by the MRO, may only be disclosed to the employee, the appropriate Civilian Employee Assistance Program (CEAP) Administrator, and appropriate supervisory/management officials necessary to take and process an administrative and/or adverse action against the employee, in an administrative proceeding (such as appeals and grievances) or in a court proceeding.

8. The Navy cannot tolerate the use of illegal drugs and we encourage any employee who has a substance abuse problem to seek assistance through his/her activity Civilian Employee Assistance Program (CEAP). Such assistance may be obtained by contacting the activity CEAP administrator. Employees who voluntarily identify themselves to their supervisor or other appropriate management official as users of illegal drugs, prior to being so identified by other means, and who seek counseling and/or rehabilitation

assistance, will not be subject to disciplinary action for their prior drug use. This is referred to as "safe harbor." It is important to note that once an employee is officially informed of an impending drug test, the employee is no longer eligible for "safe harbor." All employee medical and rehabilitation records maintained in connection with the CEAP program will be deemed confidential "patient" records and may not be disclosed without the prior written consent of the employee.

9. All employees are expected to refrain from drug use and participate in the testing program. Disciplinary action up to and including removal from Federal service will be initiated for the first failure to remain drug-free or refusal to submit to a drug test. Removal action will be initiated for any employee upon a second positive test result, failing to refrain from illegal drug use after counseling and/or rehabilitation, or adulterating or substituting a specimen.

10. This is a general notice to all employees that the Navy intends to implement a drug testing program. Actual testing by the activity/command will begin no sooner than 60 days from the date this notice is issued by the local activity/command. This notice is intended to provide general information on the DON drug testing program.

WILLIAM L. BALL, III
Secretary of the Navy